

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.3897 of 2006

Meenakshi Sales	Applicant
Vs.	
Jaysons Founders & anr.	Respondents

Mr.Prashant Jadhav for applicant.

Mr.Yogesh Mankavale i/b. Mr.A.J.Chougule for resp.
no.1.

Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 10, 2007.

P.C.

. This is an application praying for special leave to appeal under Section 378(4) of Cr.P.C. against the order of acquittal passed by the learned Judicial Magistrate, First Class at Kolhapur on 30/5/2006. The applicant had filed Regular Criminal Case No.1611 of 2000 under Section 138 of the Negotiable Instruments Act, 1881. A certified true copy of the Roznama of the said case has been placed before me and it shows that after the charge was framed by the trial Court on 6/1/2006, the complainant and his Advocate remained absent on 23/2/2006 (in the first half as well as the second

half), 23/3/2006, 20/4/2006, 6/5/2006 and finally on 30/5/2006 and, therefore, the learned Magistrate was pleased to dismiss the complaint under Section 256 of the Code of Criminal Procedure by the impugned order. The Roznama thus shows that the complainant did not pursue the complaint and remained absent continuously after the charge was framed, on almost all the dates. Therefore, no fault could be found with the impugned order.

. Hence leave to appeal is refused and the application is rejected.

(B.H.MARL